

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MATTHEW JOHN JENNER,
Plaintiff

v.

TROOPER GREGORY PIMM, et al.,
Defendants

: No. 3:23cv1087
:
: (Judge Munley)
:
:
:
:

ORDER

AND NOW, to wit, this 31st day of July 2024, before the court for disposition is Magistrate Judge William I. Arbuckle's report and recommendation ("R&R") of June 11, 2024. (Doc. 53). The R&R recommends granting the motion for judgment on the pleadings filed by Defendant PSP Troop P-Force because this defendant is not a "person" under 42 U.S.C. § 1983 and because it is entitled to immunity under the Eleventh Amendment to the United States Constitution.

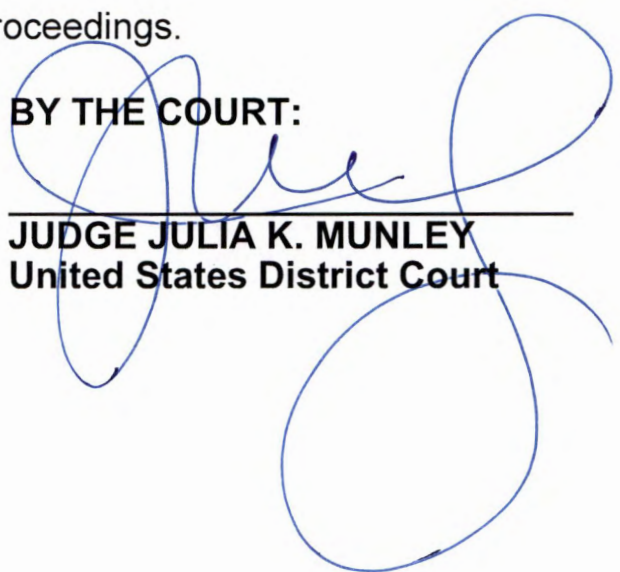
No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the

recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, the report and recommendation shall be adopted. It is hereby **ORDERED** as follows:

- 1) The magistrate judge’s report and recommendation (Doc. 53) is **ADOPTED**;
- 2) Defendant PSP Troop P-Force’s motion for judgment on the pleadings (Doc. 34) is **GRANTED**;
- 3) The Clerk of Court is directed to update the docket to reflect that Defendant PSP Troop P-Force is no longer a party to this lawsuit; and
- 4) The Clerk of Court is further directed to remand this matter to Magistrate Judge Arbuckle for further proceedings.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court